GOVERNEMNT OF ANDHRA PRADESH
ABSTRACT

Home (Paroles & HRC) Department – Premature Release – Life Convict Prisoner (1) CT No.3974, T.Pothanna S/o Obulappa, (2) CT No.3985, T.Pullanna, S/o Lakshmanna, (3) CT No.3976, V.Ramanji, S/o Kunti Narayanappa, (4) CT No.3979, V.Lakshminarayana, S/o Subbanna, (5) CT No.3978, V.Ganganna, S/o Gajayappa, Prisoners' Agricultural Colony, Ananthapuramu - Orders of Hon'ble High Court of Andhra Pradesh, dated.10.05.2024 in Writ Petition No. 30432 of 2013 and orders passed by the Hon'ble Supreme Court in SLP(Civil) Diary No.47786 of 2024, dt.14.11.2024 – Implemented – Special Remission – Granted - Orders – Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.MS.No. 18 Dated: 13-02-2025
Read the following:-

1. G.O.Ms.No.283, Home (Prisons-C) Department, dated 30.10.2010.
2. From the High Court of Andhra Pradesh, Order dated 10.05.2024 in W.P. No.30432 of 2013.
3. From the Hon'ble Supreme Court of India, Order dated 14.11.2024 in SLP (Civil) Diary No.47786 of 2024.
4. From the Director General of Prisons & Correctional Services, AP, Letter No. Rc-2/182/2022-2,dated.23.07.2024 & 09.08.2024.

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The following convict prisoners were convicted and sentenced to LIFE IMPRISONMENT U/s.148, 302, 302 r/w 149 in SC No. 16/2000 on the file of Hon'ble VI Additional Sessions Judge (FTC), Gooty, Ananthapuramu District on 30-07-2004. The Appeal before Hon'ble High Court of Andhra Pradesh vide Criminal Appeal No.1940 of 2004 was dismissed by its Judgement, dt.23.01.2007. The said prisoners were transferred from Central Prison, Kadapa to Prisoners' Agricultural Colony, Ananthapuram on 11-10-2009 and 23-05-2010.

i. CT No.3974 Tatrakallu Pothanna @ Pothappa S/o Obulappa.
ii. CT No.3985 Tatrakallu Pullanna S/o Lakshmanna
iii. CT No.3976 Vadde Ramanji S/o Kunti Narayanappa
iv. CT No.3979 Vadde Lakshminarayana S/o Subbanna
v. CT No.3978 Vadde Ganganna @ Gajjala Ganganna S/o Sunkappa
vi. CT No.4111 Y. Suri S/o Kunti Obulesu @ Kesanna
vii. CT No.3975 Nakkanakuntapalli Ramanji
viii. CT No.3977 Lodda Lakshmanna
ix. CT No.3972 Sanna Ramanjaneyulu

2. The Government of Andhra Pradesh issued guidelines for grant of Special Remission on the occasion of Republic Day, 26th January, 2011 vide G.O.Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010 to certain categories of life convicted prisoners who were convicted for an offence or offences against laws relating to matters to which the executive power of the State extends. In the said guidelines, there was no barring condition regarding killing of Children. Subsequently, Government of Andhra Pradesh issued amendment to the said G.O. in G.O.Ms.No.15, Home (Prisons-C) Department, dated 20.01.2011 duly adopting cutoff date as 25-01-2011 instead of 31-12-2010.

3. The basic criteria stipulated in G.O.Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010 at para 3(d) for eligibility for consideration for premature release is as follows:

"All the convicted prisoners sentences to imprisonment for life including those governed by Section 433A, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and who have undergone an actual sentence of 7 years and total sentence of 10 years including remission as on 25-01-2011."

4. Though all the above (09) prisoners convicted in the same case, only 3 prisoners (Sl. No. vii, viii & ix), became eligible for premature release as the Hon'ble Senior Civil Judge, Gooty vide Dis No.330, dated.30.08.2007 has recorded the remand period undergone by them. But in respect of remaining 6 prisoners (Sl.No. i to vi) the remand period undergone by them was not recorded by the Hon'ble Court and hence, they had not become eligible for grant of premature release.

5. Accordingly, as per the said guidelines in G.O.Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010, the (03) life convicted prisoners namely Nakkanakuntapalli Ramanji, Lodda Lakshmanna & Sanna Ramanjaneyulu (Sl. No.vii, viii & ix) were released from Prisoners' Agricultural Colony, Ananthapuram on 26.01.2011 vide G.O.Ms.No.28, Home (Prisons-C) Department, dated 25.01.2011 along with other prisoners from various prisons.

6. Aggrieved for their non-release, the (06) life convicted prisoners (Sl.No.i to vi) filed a Writ Petition No. 13659 of 2011 before Hon'ble High Court of Andhra Pradesh requesting to consider their remand period already undergone during the time of enquiry and trail for calculation of their total sentence undergone. Accordingly, the Hon'ble High Court in its orders dated.02-01-2012 have pronounced the following orders:

"Jail authorities are directed to deduct the period of remand in prison by the petitioners during the time of remand, enquiry and trial, if they are given the benefit of any remission pendency of the sentence imposed by the Court".

7. Further, basing on the direction of the Hon'ble High Court, the Hon'ble VI Additional Sessions Judge (FTC), Gooty, Ananthapuramu District furnished the remand period of the accused in SC. No. 16 of 2000 for the period from 24-08-1998 to 12-03-1999 (i.e., 6 months and 21 days) for each prisoner vide Letter Dis. No.88 dated. 12-03-2012. Thus, with the addition of the remand period, the (06) life convicted prisoners (Sl.No.i to vi) fulfilled the criteria laid down in the said guidelines G.O.Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010 (para 3(d)) and in G.O.Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010, there was no barring condition for consideration of grant of Special Remission for Prisoners involved in killing Children below 16 years.

8. The barring clause for child murderers is included afterwards of G.O.Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010 i.e. in G.O.Ms.No.220, Home (Parole) Department, dated 28.09.2013 and there onwards the condition has been continuously being carried in AP Remission Policy.

9. The Committee under the chairmanship of Special Chief Secretary to Government, Home (Prisons) Department, along with other members met on 26-09-2012 and reviewed the list of (06) life convicted prisoners (Sl.No.i to vi) of Prisoners' Agricultural Colony, Ananthapuram in accordance with the guidelines issued in G.O.Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010. Further, the Committee did not recommend the cases of (06) life convicted prisoners (Sl.No..i to vi) of Prisoners' Agricultural Colony, Ananthapuram. Accordingly, the Government in the G.O.Ms.No.14, Home (Parole) Department, dated. 19-01-2013 has stated as follows:

"The Committee after due deliberation does not recommend the cases of the following prisoners as they have been awarded three (3) Life imprisonments in a gruesome case of Murder including that of three (3)

Children aged about 6 years, 4 years and 10 months, of the main victim and his father who were also murdered just prior to their murder.

The Committee also recommended that in view of increasing crimes against children, such cases must be placed in restricted clause if at all any such remissions are considered in future."

10. Aggrieved by the decision taken by the Government, Smt T.Lakshmi Devi, Wife of CT No.3974 T. Pothanna(Sl.No.i) filed a Writ Petition WP No.30432 of 2013 in the Hon'ble High Court of Andhra Pradesh challenging the decision taken for not considering the cases of (06) life convicted prisoners (Sl.No.i to vi) for premature release as per G.O. Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010.

11. The Hon'ble High Court of AP in WP No.30432 of 2013 on 10-05-2024 has passed the following orders :

"In fact the three Prisoners who were also sentenced and convicted along with the petitioner herein SC.No.16 of 2000 as confirmed by Crl.A No. 1940 of 2004 who are similarly situated like the petitioners herein were released in terms of the said G.Os. So in view of the same, the petitioners herein also are entitled for the same benefit in terms of the above said G.O.Ms.No.283 as modified by G.O.Ms.No.15.

Therefore, in view of the above circumstances, while declaring the impugned G.O.Ms.No.14 Home (Parole) Department, dated 19.01.2013 issued by the 1st respondent, as illegal, the respondent authorities are concerned directed to consider the case of the petitioner afresh, and pass appropriate orders, in terms of the above said G.O.Ms. No.283 as modified by G.O.Ms. No.15 within a period of four months."

12. As per the instructions issued vide Government memo, dt.18.09.2024, the Superintendent, Prisoners' Agricultural Colony, Ananthapuram filed an SLP before the Hon'ble Supreme Court of India, New Delhi vide SLP (Civil) Diary No.47786/2024 against the orders, dated 10-05-2024 of the Honble High Court of Andhra Pradesh in Writ Petition No.30432 of 2013 filed by T.Lakshmi Devi, Wife of CT No.3974 T.Pothanna in consultation with the Advocate-on-Records, New Delhi.

13. The Hon'ble Supreme Court of India, New Delhi passed orders in SLP (Civil) Diary No.47786 of 2024 on 14-11-2024 filed by Superintendent, Prisoners' Agricultural Colony, Ananthapuram (i.e. Govt. of Andhra Pradesh & Anr. Vs. T.Lakshmi Devi) as under:

".... We are not inclined to interfere with the impugned judgment and order of the High Court; hence, the special leave petition is dismissed.

The petitioner shall proceed to re-consider the claim for premature release of the husband of the respondent as early as possible, preferably within two months from the date."

14. Subsequently, as per the orders, dt.10-05-2024 of Hon'ble High Court of AP in WP No.30432 of 2013 and the orders, dt.14-11-2024 passed by the Hon'ble Supreme Court in SLP (Civil) Diary No.47786 of 2024, the Standing Committee has met on 22.01.2025 headed by the Principal Secretary to Government, Home Department as Chairperson and the Committee after detailed examination of each prisoner's case recommends for the grant of Special Remission and premature release of (05) life convicted prisoners of Prisoners' Agricultural Colony, Ananthapuramu as shown below:

1. CT No.3974, T.Pothanna, S/o Obulappa
2. CT No.3985, T.Pullanna, S/o Lakshmanna
3. CT No.3976, V.Ramanji, S/o Kunti Narayanappa
4. CT No.3979, V.Lakshminarayana, S/o Subbanna
5. CT No.3978, V.Ganganna, S/o Gajayappa

15. Further, the Committee after detailed examination of each prisoner's case differed the grant of Special Remission to life Convicted Prisoner No.4111 Y.Suri, S/o Kunti Obulanna who escaped from Prisoners' Agricultural Colony, Ananthapuramu on 27-10-2016 and not yet apprehended till date.

16. The Government after careful examination of the matter, hereby grant Special Remission under Article 161 of the Constitution of India r/w Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Corresponding Section of 432 in CrPC,1973) to (1) CT No.3974, T.Pothanna, S/o Obulappa, (2) CT No.3985, T.Pullanna, S/o Lakshmanna, (3) CT No.3976, V.Ramanji, S/o Kunti Narayanappa, (4) CT No.3979, V.Lakshminarayana, S/o Subbanna, (5) CT No.3978, V.Ganganna, S/o Gajayappa for their premature release in terms of the guidelines issued in G.O.Ms.No.283, Home (Prisons-C) Department, dated 30-10-2010, to comply with the Orders of Hon'ble High Court of Andhra Pradesh, dated.10.05.2024 in Writ Petition No. 30432 of 2013 and orders passed by the Hon'ble Supreme Court in SLP(Civil) Diary No.47786 of 2024, dt.14.11.2024, subject to the following three conditions:

a) All premature releases under this G.O. shall be subject to execution of a Personal Bond of Rs. 50,000/- (Rupees Fifty thousand only).

b) The prisoner after release shall appear before the Probation Officer and Police Station concerned once in (3) months till the completion of unexpired portion of sentence.

c) Re-arrest of the released prisoner, on cancellation of the remission granted under this G.O. in case he commits any criminal offence.

17. The Director General of Prisons & Correctional Services, AP, shall take necessary action for release of the said prisoner, duly obtaining the personal bond as prescribed in the Annexure appended to this order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons & Correctional Services, AP, Mangalagiri.
The Superintendent of Jails, Prisoners' Agricultural Colony, Ananthapuramu.
The GP for Home Dept., High Court of AP,
(with a request to place a copy of this order before the Hon'ble High Court in WP No.30432 of 2013, orders, dt.10.05.2024).
The Petitioner, Smt. T.Lakshmi Devi w/o. CT No.3974 T.Pothanna (through the Superintendent of Jails, Prisoners' Agricultural Colony, Ananthapuramu).

Copy To:
The PS to Hon'ble Governor of AP,
The PS to Principal Secretary to Hon'ble C.M,
The PS to Chief Secretary to Government,

The OSD to Minister for Home & DM,
The PS to Principal Secretary to Home Department,
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE

G.O.MS.No.18, HOME (PAROLES & HRC) DEPARTMENT DATED.: నకు **అనుబంధము – 2**

<u>వ్యక్తిగత బాండు</u>

2023, భారతీయ నాగరిక్ సురక్ష సంహిత, 2023(BNSS) 473(1)(3)వ విభాగము ద్వారా లభ్యమైన అధికారాలను పుర్సస్కరించుకొని ఆంధ్ర ప్రదేశ్ ప్రభుత్వము సదరు ఖైది అంగీకారము మేరకు ఈ క్రింది షరతులను విధించడమైనది.

_____ గ్రామ నివాసి, _____ గారి కుమారుడు/ కుమార్తె _____ అను నేను, ఈ క్రింది షరతులను పాటించగలనని బాండు వ్రాసి ఇచ్చే షరతు మీద ప్రభుత్వము నా మామూలు జైలు శిక్ష ముగియడానికి ముందే నన్ను విడుదల చేయువలసినదిగా ఆదేశించిన దృష్ట్యా, ఈ క్రింది షరతులకు బద్ధుడనై వుండగలనని ఇందు మూలముగా నేను హామీ ఇస్తున్నాను.

<u>షరతులుః</u>

1. విడుదలైన తేదీ నుండి ఏడు రోజులలోగా నేను, సదరు ప్రొబేషను అధికారి మరియు సదరు పోలీసు స్టేషను అధికారి ముందు హాజరై నా యొక్క విడుదల ఉత్తరువు, నేను వ్రాసి ఇచ్చిన బాండు షరతులను దాఖలు చేయగలను.
2. నేను నా మామూలు జైలు శిక్ష కాలపరిమితి ముగిసేంత వరకు, సదరు ప్రొబేషను అధికారి మరియు సదరు పోలీసు అధికారి ఎదుట ప్రతీ మూడు నెలలకు ఒక్క సారి హాజరు కాగలను.
3. నేను నా మామూలు జైలు శిక్ష కాలపరిమితి ముగిసేంత వరకు, నా నివాస స్థలము గురించి, నా జీవనోపాది గురించి సదరు ప్రొబేషను అధికారి మరియు సదరు పోలీసు స్టేషను అధికారికి తెలియపరచగలను.
4. చట్ట విరుద్ధ కార్యకలాపాలలో పాల్గొను వ్యక్తులతో కలసి తిరగడము కానీ, గడపడము గానీ చేయను.
5. భారతదేశములో అమలు నందు ఉన్న ఏ చట్టము క్రిందనైన శిక్షించదగు నేరాన్ని చేయను.

పైన పేర్కొన్న షరతులలో వేటినైన ఉల్లంఘించినట్లైతే, ఆంధ్రప్రదేశ్ ప్రభుత్వానికి రూ.**50,000/-** (అక్షరాలా యాభై వేల రూపాయలు) మొత్తాన్ని చెల్లించుటకు మరియు తిరిగి అరెస్టు అయి, విడుదలైన నాటికి అనుభవించకుండా ఉన్న మిగిలిని శిక్షా కాలాన్ని అనుభవించేందుకు గాను పాత్రుడను కాగలనని ఇందు మూలముగా బద్ధుడనగుచున్నాను.

తేదిః సంతకము

UNDERTAKING

I, Convict No._____S/o, W/o, D/o._____ am confined in Central Prison/District Jail/ Prisoners Agricultural Colony/ Special Prison for Women _____ convicted in SC.No._____ on the file on the Hon'ble Court of _____ _____. I am being released on -02-2025 prematurely as per G.O.Ms.No., Home (Paroles) Department, Dated. 2025. I belong to R/o _____ _____. I do hereby solemnly and sincerely bind over to the following conditions laid down by the Government while granting Special Remission to the life convicted prisoners:

1) I have executed a personal bond of Rs.50,000/- (Rupees fifty thousand only) for my premature release.

2) I will appear before the District Probation Officer,_____ and the Police Station _____ once in three months, till my unexpired portion of sentence, failing which I will be held responsible.

3) I am liable for Re-arrest in cancellation of the remission granted under the above G.O. in case I commit any Criminal Offence.

If, I deviate any of the above conditions, I am liable for Re-arrest by the Police besides initiating legal proceedings against me.

Dated: -02-2025.

Signature / Thumb Impression

Name:_____

S/o,W/o,D/o_____

Name of the Prison_____

//Attested//